

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 4245-2023 (O&M)
Date of Decision: 17.03.2023

Ajay Kumar Bhandari

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Vinay Puri, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 289 dated 11.10.2022, under Section 15 of the NDPS Act registered at Police Station Rama Mandi, District Police Commissionerate, Jalandhar, who is alleged to have possessed 52 kg of Poppy Husk.

Learned counsel for the petitioner contends that the petitioner is in custody since 11.10.2022. He submits that the petitioner has been

falsely implicated in the present case as the alleged recovery, which is joint

has not been effected from the conscious possession of the petitioner rather has been effected from the cabinet (back seat) of the car and is marginally above the commercial quantity and is including the weight of plastic bags. He further submits that there are no other antecedents and the FSL report has been received though challan is yet to be filed and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and he is involved in one more case under the Excise Act, however, he does not dispute the fact that the FSL has been received though challan is yet to be presented.

Confronted with the same, learned counsel for the petitioner submits that in the above-said case under the Excise Act, the petitioner has been released on bail.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 11.10.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further since the recovery is marginally above the commercial quantity and including the weight of plastic bags and FSL has been received and there is no other case under the NDPS Act and the trial would take sufficient time, no useful purpose would be served in keeping

the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

17.03.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No